

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-cv-716-jdp

v.

MARGERY BETH BRUTSCHER,

Defendant.

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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The above-captioned matter having come before the Court to be heard, Honorable James D. Peterson, United States District Judge for the Western District of Wisconsin, presiding without a jury, on March 17, 2015, the Plaintiff, United States of America ("Plaintiff"), having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the Defendant herein except as may be noted on the record; and it appearing by the Declaration of Barbara L. Oswald, Assistant United States Attorney, Office of the United States Attorney, on file herein, that Defendant is in default; and it further appearing that due notice of the Application for Judgment by Default has been made to the Defendant, and that a Certificate of Service was filed with the Clerk of the United States District Court for the Western District of Wisconsin; and the Court having heard arguments from Plaintiff's counsel, therefore makes and files the following Findings of Fact and Conclusions of Law constituting its decision in this action.

FINDINGS OF FACT

1. The allegations set forth in Plaintiff's complaint are proven true.
2. There is now due and unpaid on all Notes and Mortgages as of March 17, 2015, the following sums: See Attachment A.
3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said Notes and Mortgages.
4. The mortgaged premises are described as follows:

Lot 3 of Certified Survey Map No. 984, as recorded in the Office of the Register of Deeds for Crawford County, Wisconsin on December 31, 2002 in volume 8 of Certified Survey Maps, pages 38-38A as Document No. 278611, Village of Gays Mills and in the Town of Clayton, Crawford County, Wisconsin.

Formerly described as Lot 3 of Certified Survey Map No. 928, as recorded in the office of the Register of Deeds for Crawford County, Wisconsin on August 22, 2001 in Volume 7 of Certified Survey Maps, page 102, as Document No. 271329, Town of Clayton, Crawford County, Wisconsin,

(Tax Parcel No. 12-004-0679-0003)
5. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.
6. Notice of the pendency of this action was duly given on October 29, 2014, after the filing of the Complaint herein, by filing a Notice of Lis Pendens in the office of the Register of Deeds for Crawford County, Wisconsin. This was done in the manner

and form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

7. The Defendant has not served an Answer or other response and the Clerk of Court has duly entered the default of said Defendant.

#### CONCLUSIONS OF LAW

1. Plaintiff is entitled to judgment of foreclosure and sale of the mortgaged premises in the usual form, as requested in Plaintiff's Complaint, and in accordance with the above Findings of Fact.

2. Plaintiff is entitled to recover from the Defendant the following sum: See Attachment A.

3. The Defendant subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in the mortgaged premises.

4. The mortgaged premises shall be sold as a whole.

5. That if necessary to secure possession of the premises, the Clerk of Court, upon application by Plaintiff, shall issue a Writ of Assistance.

6. The Defendant shall not be granted a right of redemption.

7. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of the sale shall be made by publication in The Crawford County Independent, the newspaper published in the City of Gays Mills, Crawford County, Wisconsin.

8. Proceeds from the sale of the subject premises shall be paid first to satisfy Defendant's debt to the United States as set forth in Attachment A, plus necessary costs and disbursements.

9. Any remaining proceeds from the sale of the subject premises shall be subject to further order of the Court.

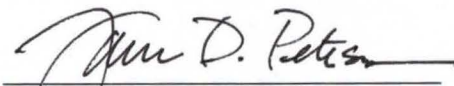
10. Deficiency judgment is not being sought in this action.

Now, on application of Plaintiff United States of America,

IT IS THEREFORE ORDERED that foreclosure of said mortgage in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated this 27<sup>TH</sup> day of MARCH, 2015.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "James D. Peterson", written over a horizontal line.

JAMES D. PETERSON  
United States District Judge



*United States v. Margery Beth Brutscher*

Case No. 14-cv-716-jdp

ATTACHMENT A

Notes and Mortgages

a.	Principal as of March 17, 2015	\$163,105.00
b.	Interest as of March 17, 2015	<u>\$ 22,721.48</u>
	Total as of March 17, 2015	<u><u>\$185,826.48</u></u>

Costs and Disbursements

c.	Filing of Notice of Lis Pendens	<u>\$ 30.00</u>
	Total Costs & Disbursements	<u><u>\$ 30.00</u></u>

<b>TOTAL AS OF MARCH 17, 2015</b>	<b><u><u>\$ 185,856.48</u></u></b>
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